

**OPINION  
56-90**

November 23, 1956            (OPINION)

**EDUCATION**

**RE:   Elementary Per Pupil Payment**

We have received your request for an opinion dated November 5, 1956.

Corinne School District in your county has closed its county schools in order to qualify for payments under subsection 6 of section 15-5601 of the 1953 Supplement to our Code. The school board contracted with an outside district to educate its children and the district furnishes transportation to the outside school. Since 1947 this district has operated one-room rural schools until two years ago, because of crowded conditions, they divided one of the schoolhouses into two areas by use of folding doors and employed two teachers, each teaching four grades.

You ask whether this act on the part of the district disqualifies the district from payments under section 15-5601, because this law provides that in order to collect for closed schools the district must have been operating one-room rural schools.

It seems to us that the mere fact that an otherwise one-room rural schoolhouse was divided into two areas for one school year because of an emergency situation, and two teachers employed does not disqualify the district from payments under section 15-5601. This act brought about by an unforeseen emergency would hardly deprive the school of its status as a one-room rural school, especially when the act was of a temporary nature and only employed while the emergency existed.

We, therefore, hold that Corinne District, if it meets all the other qualifications, is entitled to payments under section 15-5601 although it did divide one schoolhouse into two areas and employ two teachers for one year prior to the closing of its schools.

LESLIE R. BURGUM

Attorney General